

House File 93 - Introduced

HOUSE FILE _____
BY MAY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the collection and distribution of civil
2 penalties for water quality violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1369HH 83
5 tm/nh/8

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1 1 Section 1. Section 29C.8A, subsection 1, Code 2009, is
1 2 amended to read as follows:

1 3 1. An emergency response fund is created in the state
1 4 treasury. The first one hundred thousand dollars received
1 5 annually by the treasurer of state for the civil penalties and
1 6 fines imposed by the court pursuant to sections 455B.146,
1 7 ~~455B.191~~, 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477
1 8 shall be deposited in the waste volume reduction and recycling
1 9 fund created in section 455D.15. The next hundred thousand
1 10 dollars shall be deposited in the emergency response fund and
1 11 any additional moneys shall be deposited in the household
1 12 hazardous waste account. All moneys received annually by the
1 13 treasurer of the state for the fines imposed by sections
1 14 716B.2, 716B.3, and 716B.4 shall also be deposited in the
1 15 emergency response fund.

1 16 Sec. 2. Section 455B.109, subsection 5, Code 2009, is
1 17 amended to read as follows:

1 18 5. a. Except as provided in ~~paragraph~~ paragraphs "b" and
1 19 "c", civil penalties assessed by the department and interest
1 20 on the penalties shall be deposited in the general fund of the
1 21 state.

1 22 b. ~~The following provisions shall apply to animal feeding~~
~~1 23 operations:~~

1 24 (1) Civil penalties assessed by the department and
1 25 interest on the civil penalties, arising out of violations
1 26 involving animal feeding operations under chapter 459,
1 27 subchapter II, shall be deposited in the animal agriculture
1 28 compliance fund as created in section 459.401.

1 29 (2) ~~Civil penalties assessed by the department and~~
~~1 30 interest on the penalties, arising out of violations committed~~
~~1 31 by animal feeding operations under chapter 459, subchapter~~
~~1 32 III, which may be assessed pursuant to section 455B.191 or~~
~~1 33 459.604, shall also be deposited in the animal agriculture~~
~~1 34 compliance fund.~~

1 35 (3) ~~Civil penalties assessed by the department and~~
~~2 1 interest on the civil penalties, arising out of violations~~
~~2 2 involving open feedlot operations under chapter 459A, shall be~~
~~2 3 deposited in the animal agriculture compliance fund as created~~
~~2 4 in section 459.401.~~

2 5 c. Civil penalties assessed by the department and interest
2 6 on the civil penalties which may be assessed pursuant to
2 7 section 455B.191; which arise out of violations committed by
2 8 animal feeding operations under chapter 459, subchapter III,
2 9 which may be assessed pursuant to section 455B.191 or 459.604;
2 10 and which arise out of violations involving open feedlot
2 11 operations under chapter 459A, shall be retained by the
2 12 department for distribution to the county conservation board
2 13 in the county in which the violation occurred. If the
2 14 violation occurred in more than one county, the moneys shall
2 15 be equitably distributed to the applicable county conservation
2 16 boards. Moneys received by a county conservation board under
2 17 this paragraph shall be used for water quality improvement
2 18 purposes.

2 19 Sec. 3. Section 459.603, Code 2009, is amended to read as
2 20 follows:

2 21 459.603 WATER QUALITY VIOLATIONS == CIVIL PENALTY.

2 22 A person who violates subchapter III shall be subject to a
2 23 civil penalty which shall be established, assessed, and
2 24 collected in the same manner as provided in section 455B.109
2 25 or 455B.191. Any civil penalty collected shall be deposited
~~2 26 in the animal agriculture compliance fund created in section~~
~~2 27 459.401 collected and distributed in the manner provided in~~
2 28 section 455B.109, subsection 5.

2 29 Sec. 4. Section 459A.502, Code 2009, is amended to read as
2 30 follows:

2 31 459A.502 VIOLATIONS == CIVIL PENALTY.

2 32 A person who violates this chapter shall be subject to a
2 33 civil penalty which shall be established, assessed, and
2 34 collected in the same manner as provided in section 455B.191.
2 35 Any civil penalty collected and interest on a civil penalty
3 1 shall be ~~deposited in the animal agriculture compliance fund~~
~~3 2 created in section 459.401 collected and distributed in the~~
3 3 manner provided in section 455B.109, subsection 5. A person
3 4 shall not be subject to a penalty under this section and a
3 5 penalty under section 459.603 for the same violation.

3 6 EXPLANATION

3 7 This bill relates to the collection and distribution of
3 8 civil penalties for water quality violations.

3 9 Currently, civil penalties assessed by the department of
3 10 natural resources for water quality violations under Code
3 11 chapter 455B, for water quality violations under Code chapter
3 12 459, and for violations by open feedlot operations are
3 13 deposited in the general fund, the animal agriculture
3 14 compliance fund, and the emergency response fund.

3 15 The bill provides that civil penalties assessed by the
3 16 department and interest on the civil penalties which may be
3 17 assessed under Code chapter 455B, which arise out of water
3 18 quality violations committed by animal feeding operations
3 19 under Code chapter 459, and which arise out of violations
3 20 involving open feedlot operations shall be retained by the
3 21 department for distribution to the county conservation board
3 22 in the county in which the violation occurred. If the
3 23 violation occurred in more than one county, the moneys shall
3 24 be equitably distributed to the applicable county conservation
3 25 boards. The bill requires that moneys received by a county
3 26 conservation board from the civil penalties shall be used for
3 27 water quality improvement purposes.

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